

REMARKS

I. Summary of Office Action

Claims 14-19, 39-44, 64-69, 89-94 and 101-104 were pending in the application.

Claims 14-15, 17, 19, 39-40, 42, 44, 64-65, 67, 69, 89-90, 92, 94 and 101-104 were rejected under 35 U.S.C. § 102(e) as being anticipated by Matthews III et al. U.S. Publication No. 2004/0139465 A1 (hereinafter "Matthews").

Claims 16, 41, 66, and 91 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matthews in view of Schlarb et al. U.S. Publication No. 2004/0078823 A1 (hereinafter "Schlarb").

Claims 18, 43, 68, and 93 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matthews in view of Dunn U.S. Patent No. 6,668,377 B1 (hereinafter "Dunn").

II. Summary of Applicants' Reply

Applicants have amended independent claims 14, 39, 64, and 89 to more particularly define the invention. The claim amendments are fully supported by the application as originally filed and do not add new matter (see, e.g., paragraphs 0198-0202).

Applicants respectfully traverse the rejections.

III. The 35 U.S.C. § 102(e) Rejections

Applicants' independent claims 14, 39, 64, and 89, as amended, are directed to a method, systems, and machine-readable medium for providing users with real-time information using an interactive television program guide application. Real-time information is associated with at least one real-time event and

is accessed from at least one real-time data feed. At least one program listing is displayed, comprising at least some of the real-time information which is updated in real-time as changes occur in the at least one real-time event. The user is provided with an indication that content related to the real-time information is available, wherein the indication is selectable. Further, this content is not the program that corresponds to the program listing. In response to selecting the indication, the content is displayed.

A. The Examiner's Interpretation of Real-Time Data and a Real-Time Data Feed is Unreasonable

In the Office Action, the Examiner has argued that "displaying at least one program listing comprising at least some of the real-time information" is anticipated by Matthews' paragraph 0047, which describes the known elements in an EPG display. However, nothing in this paragraph, nor in the remainder of Matthews, teaches or suggests the display of real-time information as it is described in applicants' specification. Applicants' specification gives examples of real-time information such as a "current score [of a sports game], status of the game, sports news," as a "breaking news story," or as "real time stock quotes or other financial information . . . weather information, or any other suitable real-time data" (page 12, lines 4-6, page 59, lines 8-9, and page 66, lines 7-8). Applicants respectfully submit that equating real-time information with the display of a website URL is overbroad and unreasonable in view of the use of the term "real-time" familiar to one of ordinary skill in the art, as used in applicants' specification.

Additionally, the Examiner states that "if it [is] agreed that the content that is presented is provided in real time, then the source of the content must be a real time data source" (Office Action, page 2). Applicants respectfully disagree with this statement and submit that a real-time data source both receives data describing a real-time event and provides that data in real-time. Even though applicants disagree with the Examiner's interpretation of "real-time information" and "real-time data feed," applicants have amended the independent claims in order to advance prosecution.

B. Matthews Fail to Show or Suggest Every Feature of Applicants' Amended Independent Claims

Applicants respectfully submit that Matthews fails to teach all of the elements of the independent claims as amended. In particular, Matthews does not show or suggest displaying at least one program listing comprising at least some of the real-time information, wherein the at least one program listing corresponds to a program and wherein the displayed real-time information is updated in real-time responsive to changes in the at least one real-time event. Matthews describes a system for embedding "hyperlinks" into the display grid of an EPG (paragraph 0069). Matthews describes hyperlinks as examples of "target specifications" which are defined as "designation[s] for referencing a location containing supplemental content" (paragraph 0075) and which are stored within the EPG database along with information such as program titles and actor names (paragraph 0053). Displaying a hyperlink within a program listing involves retrieving this stored information from the EPG database and using it as an indication of additional content related to a program.

However, nowhere does Matthews teach or suggest the inclusion in a program listing of real-time information associated with at least one real-time event, and updating that information in response to changes in the real-time event, as required by applicants' independent claims. This real-time information is displayed without requiring user intervention. In order to view any information other than the hyperlink, Matthews requires a user to first activate a hyperlink to launch a "hyperlink browser" that will retrieve the content of the target location (paragraph 0034). Because the system of Matthews is limited to the display of an indication of additional content via hyperlinks and does not teach or suggest displaying any real-time information within a program listing, Matthews clearly fails to teach all of the elements of applicants' independent claims.

For at least the foregoing reasons, applicants submit that independent claims 14, 39, 64, and 89 are patentable over Matthews. Applicants respectfully request, therefore, that the rejection of these claims (as well as dependent claims 15, 17, 19, 40, 42, 44, 65, 67, 69, 90, 92, 94 and 101-104) under 35 U.S.C. § 102(e) be withdrawn.

IV. The 35 U.S.C. § 103(a) Rejections

The Office Action rejected dependent claims 16, 41, 66, and 91 under 35 U.S.C. § 103(a) as being unpatentable over Matthews in view of Schlarb. Furthermore, the Office Action rejected dependent claims 18, 43, 68, and 93 under 35 U.S.C. § 103(a) as being unpatentable over Matthews in view of Dunn. Applicants submit that these claims are allowable for at least the same reasons as their respective independent base claims, claims 14, 39, 64, and 89. Applicants respectfully request,

Application No. 10/717,271
Final Office Action of: 09/17/2008
Amendment dated: 02/04/2009

therefore, that the rejection of claims 16, 18, 41, 43, 66, 68, 91, and 93 under 35 U.S.C. § 103(a) be withdrawn.

V. Conclusion

In view of the foregoing, claims 14-19, 39-44, 64-69, 89-94, and 101-104 are in condition for allowance. This application is therefore in condition for allowance.

Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

/Brian E. Mack/

Brian E. Mack

Reg. No. 57,189

Attorney for Applicants

Customer No. 75563